
REMARKS

Applicant has reviewed and considered the office action mailed on February 24, 2003 and the references cited therewith.

Claims 15, 16, and 18 are currently amended, claims 30-40 are added; as a result, claims 13-16, 18-23, and 30-40 are pending in the application.

§ 103 Rejection of the Claims

Claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herrell et al. (U.S. 6,191,479). Applicant does not admit that Herrell et al. is prior art and reserves the right, as provided for under 37 C.F.R. § 1.131, to "swear behind" Herrell et al. Applicant respectfully traverses the rejections of claims 13 and 14.

Claim 13 recites, "a dielectric layer located between the capacitor and the die." In contrast, Herrell et al. do not teach or suggest "a dielectric layer located between the capacitor and the die." The office action asserts that reference numeral 12, which is not mentioned in the specification, identifies a dielectric layer. Since reference numeral 12 is not mentioned in the specification, applicant assumes that the Examiner is taking official notice from an undisclosed source of this missing element. Applicant respectfully objects to the taking of official notice, and pursuant to M.P.E.P. § 2144.03, applicant traverses the assertion of official notice and requests that the Examiner cite a reference that teaches the missing element. If the Examiner cannot cite a reference that teaches the missing element, applicant respectfully requests that the Examiner provide an affidavit that describes how the missing element is present in the prior art. If the examiner cannot cite a reference or provide an affidavit, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 13.

Claim 13 recites, "a capacitor located less than about .1 millimeter from the die." In contrast, Herrell et al. do not teach or suggest "a capacitor located less than about .1 millimeter from the die." There is no dimensioning in Fig. 1 and no description of the distance between the capacitor and the die the specification, so Herrel et al. do not teach

or suggest "a capacitor located less than about .1 millimeter from the die." The office action asserts that "a capacitor located less than about .1 millimeter from the die" is a design choice and therefore obvious. Applicant disagrees and since the office action does not cite to particular language in the reference that appears to teach or suggest the claimed distance, applicant assumes that the Examiner is taking official notice from an undisclosed source of this missing element. Applicant respectfully objects to the taking of official notice, and pursuant to M.P.E.P. § 2144.03, applicant traverses the assertion of official notice and requests that the Examiner cite a reference that teaches the missing element. If the Examiner cannot cite a reference that teaches the missing element, applicant respectfully requests that the Examiner provide an affidavit that describes how the missing element is present in the prior art. If the examiner cannot cite a reference or provide an affidavit, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 13.

Claim 14 is dependent on claim 13. For reasons analogous to those provided above and elements in the claim, applicant respectfully requests, if the examiner cannot cite a reference or provide an affidavit, withdrawal the rejection and reconsideration and allowance of claim 14.

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Farooq et al (U.S. 6,023,407) in view of Stone (U.S. 5,530,288) and Ahn et al. (U.S. 6,274,937). Applicant does not admit that Farooq et al. or Ahn et al. are prior art and reserves the right, as provided for under 37 C.F.R. § 1.131, to "swear behind" Farooq et al. or Ahn et al. Applicant traverses the rejection of claim 16.

Claim 15, as amended, recites, "a capacitor including a plurality of plated through holes coupling *at least four conductive layers* embedded in a dielectric to a plurality of connection cites." (emphasis added) In contrast, Farooq et al., at column 7, line 20, teaches "storage node 126 and cell plate 128." Stone, at column 6, line 38, teaches, "passive electronic component 17." And Ahn et al., at column 7, lines 18-19, teaches, "the storage node 126 and the cell plate 128." Thus, the references, either alone or in

combination, do not teach or suggest "a capacitor including a plurality of plated through holes coupling *at least four conductive layers* embedded in a dielectric to a plurality of connection cites." Hence, the reference, either alone or in combination, do not teach or suggest each of the elements of claim 15, as amended, so the office action fails to state a *prima facie* case of obviousness with respect to claim 15, as amended. Therefore, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 15, as amended.

Claim 16 is rewritten to include all of the limitations of claim 15. Claim 16 recites, "wherein the first die includes *a processor* and the second die includes *a communication system*." (emphasis added) None of the cited references teach or suggest, "wherein the first die includes *a processor* and the second die includes *a communication system*." (emphasis added) Hence, applicant assumes that the Examiner is taking official notice from an undisclosed source of this missing elements. Applicant respectfully objects to the taking of official notice, and pursuant to M.P.E.P. § 2144.03, applicant traverses the assertion of official notice and requests that the Examiner cite a reference that teaches the missing elements. If the Examiner cannot cite a reference that teaches the missing elements, applicant respectfully requests that the Examiner provide an affidavit that describes how the missing element is present in the prior art. If the examiner cannot cite a reference or provide an affidavit, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 16.

Claims 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tosaki et al. (U.S. 6,272,020) in view of Naito et al. (U.S. 6,034,864) and Farooq et al. (U.S. 6,228,682). Applicant does not admit that Tosaki et al. or Naito et al. are prior art and reserves the right, as provided for under 37 C.F.R. § 1.131, to "swear behind" Tosaki et al. or Naito et al.

Claim 18, as amended, recites, "a capacitor having a plurality of plated through holes coupled to a plurality of conductive layers." In contrast, Naito et al., at col. 5, lines 35-40, recites, "The connection portions 40 and 41 may be formed, for example, by

forming holes in the ceramic green sheets before they are laminated together and filling the holes with conductive paste before they are stacked one on top of the other." Thus, Naito et al. teach "filling the holes." A filled hole can never be a plated through hole because a plated through hole includes a hole, after plating, and a filled through hole does not include a hole, after filling. Hence, applicant respectfully submits that Naito et al. do not teach "plated through holes." Thus, Naito et al. do not teach or suggest each of the elements of claim 18, as amended, so the office action fails to state a *prima facie* case of obviousness with respect to claim 18, as amended. Therefore, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 18.

Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tosaki et al. in view of Naito et al. and Farooq et al. (U.S. 6,228,682), and further in view of Ahn et al. Applicant does not admit that Tosaki et al., Naito et al., Farooq et al., or Ahn et al. are prior art and reserves the right, as provided for under 37 C.F.R. § 1.131, to "swear behind" Tosaki et al., Naito et al., Farooq et al., or Ahn et al.

Claims 19 and 20 are dependent on claim 18. For reasons analogous to those provided above and elements in the claims, applicant respectfully submits that the office action fails to state a *prima facie* case of obviousness with respect to claims 19 and 20. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 19 and 20.

Claims 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herrell et al. in view of Giri et al. (U.S. 6,037,044). Applicant does not admit that Herrell et al. or Giri et al. are prior art and reserves the right, as provided for under 37 C.F.R. § 1.131, to "swear behind" Herrell et al. or Giri et al. Applicant respectfully traverses the rejections of claims 21-23.

Claim 21 recites, "a single multilayered single package capacitor *coupled* to the processor." (emphasis added) In contrast, Herrell et al. teach in Fig. 1 that an undefined layer identified by reference numeral 12 separates decoupling capacitor 17 from circuitry portion 11. The layer is undefined because reference numeral 12 is not mentioned in the

specification. Hence, applicant submits that Herrel et al. do not teach or suggest, "a single multilayered single package capacitor *coupled* to the processor." (emphasis added) Applicant assumes that the Examiner is taking official notice from an undisclosed source of this missing element. Applicant respectfully objects to the taking of official notice, and pursuant to M.P.E.P. § 2144.03, applicant traverses the assertion of official notice and requests that the Examiner cite a reference that teaches the missing element. If the Examiner cannot cite a reference that teaches the missing element, applicant respectfully requests that the Examiner provide an affidavit that describes how the missing element is present in the prior art. If the examiner cannot cite a reference or provide an affidavit, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 21.

Claim 22 and 23 are dependent on claim 21. For reasons analogous to those provided above and elements in the claims, applicant respectfully requests that if the examiner cannot cite a reference or provide an affidavit, applicant requests withdrawal of the rejection and reconsideration and allowance of claims 22 and 23.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone applicant's attorney at 612-371-2109 to facilitate prosecution of the application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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April 27, 2003

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 27th day of April, 2003.

DANNY PADYS

Name

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Signature